

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff-Respondent,

vs.

CIVIL No. 16-CV-01408-KG-LF
CRIMINAL No. 15-CR-01399-KG

OSCAR OMAR REYES-ESPINOZA,

Defendant- Movant.

ORDER DENYING MOTION FOR RETURN OF PROPERTY

THIS MATTER comes before the Court on Reyes-Espinoza's Motion for Return of Property, filed on December 27, 2016, which he filed before he had an attorney. Doc. 36.¹ In the motion, Reyes-Espinoza asks the Court to order the government to return property seized at the time of his arrest.² *Id.* On July 27, 2017, the Court ordered an attorney be appointed for Reyes-Espinoza. Doc. 45. At a status conference held on August 15, 2017, the Court asked Reyes-Espinoza's attorney to file a status report concerning Reyes-Espinoza's property. Doc. 49.

On September 22, 2017, Reyes-Espinoza's attorney filed a status report. Doc. 21.³ The status report advised the Court that Reyes-Espinoza's property is in the possession of Reyes-Espinoza's second attorney, Pedro Pineda. Doc. 21 at 1. Mr. Pineda will deliver the property to

¹ Document reference numbers are to the documents in the criminal case, 15-cr-1399 KG-LF, unless otherwise noted.

² Reyes-Espinoza claims the government seized the following property: (1) wallet, (2) credit cards, (3) cell phone, (4) U.S.B. memory flash drive, (5) rings, (6) Mexican currency, and (7) Mexican identification cards. Doc. 36.

³ The status report was only filed in Reyes-Espinoza's civil case, 16-cv-1408 KG-LF. Counsel is reminded that all documents should be filed in both the civil and the criminal case.

Reyes-Espinoza's current attorney, Mary Stillinger, who will contact Reyes-Espinoza to seek instructions about the disposition of the property. Doc. 54 at 2. Because, Reyes-Espinoza's property has been located, and it is not in possession of the government, the Court cannot order the relief Mr. Reyes-Espinoza requests.

IT IS THEREFORE ORDERED that Reyes-Espinoza's Motion for Return of Property (Doc. 36) is DENIED as moot.



Laura Fashing
United States Magistrate Judge